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GROUP 1600**FAX TRANSMISSION TO USPTO**

TO: Commissioner for Patents
Attn: Examiner A. Davenport
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Washington, D.C. 20231

FROM: William J. Wood
OUR REF.: G&C 130.32-US-01
TELEPHONE: (310) 642-4144

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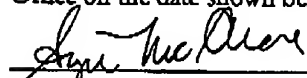
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Title of Document Transmitted:	RESPONSE TO RESTRICTION REQUIREMENT
Applicant:	William P. Van Antwerp et al.
Serial No.:	09/344,676
Filed:	June 25, 1999
Group Art Unit:	1653
Our Ref. No.:	G&C 130.32-US-01

By: 

Name: William J. Wood
Reg. No.: 42,236

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Date

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G&C 130.32-US-01

Due Date: July 3, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	William P. Van Antwerp et al.	Examiner:	A. Davenport
Serial No.:	09/344,676	Group Art Unit:	1653
Filed:	June 25, 1999	Docket:	G&C 130.32-US-01
Title:	MULTIPLE AGENT DIABETES THERAPY		

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GROUP 1600CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on July 3, 2002.By: W. J. Wood
Name: William J. Wood**OFFICIAL**Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Response to Restriction Requirement.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

CUSTOMER NUMBER 22462

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: W. J. Wood
Name: William J. Wood
Reg. No.: 42,236
WJW/sjm

G&C 130.32-US-01

Received from <+13106418798> at 7/3/02 4:55:37 PM [Eastern Daylight Time]

Due Date: July 3, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William P. Van Antwerp et al. Examiner: A. Davenport
Serial No.: 09/344,676 Group Art Unit: 1653
Filed: June 25, 1999 Docket: G&C 130.32-US-01
Title: MULTIPLE AGENT DIABETES THERAPY

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being sent via facsimile transmission to: Commissioner for Patents,
Washington, D.C. 20231 on July 3, 2002.

By: William J. Wood
Name: William J. Wood

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated June 3, 2002, please enter the following remarks.

REMARKSI. RESTRICTION REQUIREMENT

The Office Action dated June 3, 2002 requires further restriction of the claims into 6 claim groups. In response, Applicants elect Group 1, namely claims 1-7, 9-14, 20-23, 25, 59-63, 65-68 and 71, limited to the subgenera designated G1 and G5 by the Examiner in the outstanding Office Action. However, Applicants do so with traverse. Applicants dispute the assertion by the Office that the 6 claim Groups involve separate and distinct inventions.

35 U.S.C. §121 provides that "If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions." M.P.E.P. §802.01 deviates from the plain meaning of "independent and distinct" by interpreting "and" to mean "or". The Patent Office relies on the absence from the legislative history of anything contrary to this interpretation as support for their position that "and" means "or". Applicants respectfully note that this position is contrary to the rules of statutory